

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claim 63 is pending in the application, with claim 63 being the independent claim. Claims 1-62 are sought to be cancelled without prejudice to or disclaimer of the subject matter therein. New claim 63 is sought to be added. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Support for new claim 63 can be found *inter alia* at page 29, Table 4 and page 3, ll. 26-30 of the specification.

The specification has been amended to clarify the priority claim and update the status of certain applications.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Objections to the Oath

The Examiner has objected to the Declaration because it does not identify the citizenship of Inventor Sydney (*See* Paper No. 200406, p.3.) Applicants request that the objection be held in abeyance.

Objections under 35 U.S.C. § 135

The Examiner has object to the amendment filed October 9, 2003 because it allegedly "introduces new matter into the disclosure." (Paper No. 200406, p. 4.)

Specifically, the Examiner objects to the addition of SEQ ID NOS: 192-195. (*See* Paper No. 200406, p. 5.) Applicants disagree.

Solely in an effort to expedite prosecution, and without acquiescence in the propriety of the objection, Applicants have cancelled claims 9, 31, 41 and 54, which included references to SEQ ID NOS: 192-195. As a result, Applicants believe the Examiner's objection to be moot.

Rejections under 35 U.S.C. § 112, Written Description

The Examiner has rejected claims 9, 11-17, 21, 22, 26, 28-31, 34-41, 43-50 and 53 under 35 U.S.C. § 112, first paragraph for allegedly "failing to comply with the written description requirement." (Paper No. 200406, p. 5.) Applicants respectfully traverse.

Solely in an effort to expedite prosecution and without acquiescence in the propriety of the rejection, Applicants have canceled claims 9, 11-17, 21, 22, 26, 28-31, 34-41, 43-50 and 53. Thus, Applicants believe that the Examiner's rejection is now moot.

Rejections under 35 U.S.C. § 112, Enablement

The Examiner has rejected claims 9, 11-17, 21, 22, 26, 28-31, 34-41, 43-50 and 53 under 35 U.S.C. § 112, first paragraph for allegedly "containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected to make and/or use the invention." (Paper No. 200406, p. 7.) Applicants respectfully traverse.

Solely in an effort to expedite prosecution, and without acquiescence in the propriety of the rejection, Applicants have canceled claims 9, 11-17, 21, 22, 26, 28-31, 34-41, 43-50 and 53. Thus, Applicants believe that the Examiner's rejection is now moot.

Rejections under 35 U.S.C. § 112, 2nd Paragraph

The Examiner has rejected claims 14, 31, 34-40, and 47 under 35 U.S.C. § 112, second paragraph for allegedly "being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention." (Paper No. 200406, p. 10.) Applicants respectfully traverse the rejection.

Solely in an effort to expedite prosecution, and without acquiescence in the propriety of the rejection, Applicants have canceled claims 14, 31, 34-40 and 47. Thus, Applicants believe that the Examiner's rejection is now moot.

Rejections under 35 U.S.C. § 102

The Examiner has rejected claims 9, 11-17, 21, 22, 26, 28-31, 34-41, 43-50 and 53 under 35 U.S.C. § 102(b) for allegedly being anticipated by Grey *et al.* (WO 94/20127). Applicants respectfully traverse.

Solely in an effort to expedite prosecution, and without acquiescence in the propriety of the rejection, Applicants have canceled claims 9, 11-17, 21, 22, 26, 28-31, 34-41, 43-50 and 53. The Examiner has indicated that claims 9, 11-17, 21, 22, 26, 28-31, 34-41, 43-50 and 53 are not entitled to priority as a result of the new matter objection discussed *supra*. Applicants have canceled claims 11-17, 21, 22, 26, 28-31, 34-41, 43-50 and 53 and added new claim 63 which does not contain material objected to previously

by the Examiner for allegedly being new matter. Thus, Applicants believe that the Examiner's rejection is now moot.

Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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Date: 11/16/04

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